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By Hand

July 18, 2007

Honorable William H. Pauley
United States District Judge
Southern District of New York
500 Pearl Street
Room 2210
New York, New York 10007

Re: Federal Express Corp. v. Brockington et al.(07 CV 4775)(WHP)

Your Honor:

This Office is counsel for defendants Kumicki Gibson, Margaret Gormley-King, Caroline Downey, sued individually and in their capacities as officials in New York State's Division of Human Rights, and for the New York State Division of Human Rights (collectively, the "State defendants"). This action seeks a declaration that a civil rights matter commenced administratively in the New York State Division of Human Rights by defendant Isaac L. Brockington against plaintiff Federal Express is preempted by the Employee Retirement Income Security Act ("ERISA"), and an injunction against those proceedings.

We write on behalf of the State defendants to seek an order extending the State Defendants' time to answer or move in response to the complaint, from the currently scheduled date of July 25, 2007, to August 15, 2007. Plaintiff has consented to this three-week extension.

This is the second extension of defendants' time to respond to the complaint in this action, filed June 5, 2007. The first was a 30-day extension, which was granted by the Court. This second, three-week, extension is necessary because we only this week received the initial client files on this matter, and will need to review them and assess the record and pertinent legal research in order to determine the correct response to the complaint in this action. As stated above, plaintiff has consented to the requested extension to August 15, 2007.

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Thank you for your assistance with this matter.

Respectfully submitted,

Elizabeth A. Forman
Assistant Attorney General

Cc: all counsel (by fax)
Mr. Isaac L. Brockington (by mail)

So Ordered:

U.S.D.J.

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